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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,503	09/03/2004	Yuichi Kanai	041465-5242	3053

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DRINKER BIDDLE & REATH (DC)  
1500 K STREET, N.W.  
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WASHINGTON, DC 20005-1209

EXAMINER
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DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/506,503

Applicant(s)

KANAI ET AL.

Examiner

Mishawn N. Dunn

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/04, 1/05, 8/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 9-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims do not meet the 35 U.S.C 101 requirements (the claims have improper language regarding a machine-readable medium). Please see the USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" in the Official Gazette notice of 22 November 2005, Annex IV, page 53.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al. (US Pub. No. 2001/0010754).
5. Consider claim 1. Ando et al. teaches an information recording apparatus for recording, on a recording medium, broadcasting information broadcasted with a plurality

of pieces of unit information having a predetermined amount of information, the apparatus comprising: a constituting device which causes a predetermined number of pieces of the unit information included in the received broadcasting information to constitute a set of unit information (paras. 0004, 0090), a first generating device for generating receiving time information including a receiving time of a first received piece of the unit information included in the constituted set of unit information and a receiving time of a last received piece of the unit information included in the constituted set of unit information (para. 0290), a detecting device for detecting predetermined specific information included in the unit information (para. 0275), a second generating device for generating, based on the detected specific information, corresponding information which includes corresponding time information indicating a time corresponding to the specific information and corresponding position information indicating a position of the specific information in the set of unit information (para. 0306), a third generating device for generating identification information which indicates whether the receiving time information and the corresponding information are both recorded on the recording medium (para. 0085), and a recording device for recording the generated corresponding information, the generated receiving time information, and the generated identification information on the recording medium (para. 0133).

6. Consider claim 2. Ando et al. teaches the information recording apparatus according to claim 1, wherein the specific information is predetermined specific image information included in the unit information, and the second generating device uses a

receiving time of the specific image information as the time corresponding to the specific information (para. 0306).

7. Consider claim 3. Ando et al. teaches the information recording apparatus according to claim 1, wherein the specific information is predetermined specific image information included in the unit information, and the second generating device uses, as the time corresponding to the specific information, a predetermined specific image information output time which corresponds to the specific image information and is broadcasted with the specific image information, the specific image information output time indicating a time when the specific image information is reproduced and outputted after being recorded on the recording medium (para. 0306).

8. Consider claim 4. Ando et al. teaches an information reproducing apparatus for reproducing the broadcasting information from the recording medium, the broadcasting information having been recorded on the recording medium by the information recording apparatus according to any one of claims 1 to 3, the reproducing apparatus comprising: a first detecting device for detecting the identification information from the recording medium, a second detecting device for detecting the recorded corresponding information when the detected identification information indicates that the receiving time information and the corresponding information are both recorded on the recording medium, an identifying device for identifying a recording position of the broadcasting information to be reproduced on the recording medium by using the detected corresponding information, and a reproducing device for detecting and reproducing,

from the identified recording position, the broadcasting information recorded on the recording position (para. 0314).

9. Consider claim 14. Ando et al. teaches an information recording medium, wherein the information reproducing program of claim 12 is recorded so as to be read by the reproducing computer (para. 0101).

10. Claims 5-13 are rejected using similar reasoning as the corresponding claims above.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn  
September 27, 2007

  
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